

**STATE OF KANSAS**  
**Department of Health and Environment**

**Notice of Hearing on Proposed Administrative Regulations**

The Kansas Department of Health and Environment will conduct a public hearing at 1000 SW Jackson, Suite 530 in Topeka, Kansas 66612-1367 at 9:00 a.m. on July 23, 2004, for the Bureau of Water - Public Water Supply Section to consider the following drinking water regulations:

Article 15: Application for permits; Domestic Water Supply (Amended)

K.A.R. 28-15-16, 18

Article 15: Application for permits; Domestic Water Supply (Revoked)

K.A.R. 28-15-11, 13, 14, 15a, 20 – 22

Article 15a: Primary Drinking Water Regulations (New)

K.A.R. 28-15a-2, 3, 4, 6, 11, 21 through 29; 31, 33, 41 through 43; 60 through 66; 70, 72, 73 through 76; 80 through 90; 91, 100, 101, 110, 111, 130 through 135; 151, 155, 170, 172 through 175; 201 through 210; 500 through 503; 530 through 536; 540 through 544; 550 through 553; 560 through 564; 570, 571

The following is a summary of the proposed amended, revoked, and new regulations:

Application for permits; Domestic Water Supply (Amended)

**K.A.R. 28-15-16.** Permit requirements for public water supply systems. Language was added to clarify the requirements for obtaining a public water supply permit.

**K.A.R. 28-15-18.** Operation and maintenance requirements. Language was changed to be consistent with the proposed primary drinking water regulations adopted in new article 15a. The requirement that public water supply systems respond in writing no later than 45 days after receipt of a sanitary survey report describing how and on what schedule the system will address significant deficiencies was added to this regulation.

Application for permits; Domestic Water Supply (Revoked)

**K.A.R. 28-15-11, 13, 14, 15a, 20-22.** These regulations are being revoked from article 15 and added to article 15a. Therefore, the requirements in these revoked regulations are not completely eliminated, but rather adopted under a new article to be consistent with primary drinking water regulations.

Primary Drinking Water Regulations (New)

**K.A.R. 28-15a-2, 3, 4, 6, 11, 21 through 29; 31, 33, 41 through 43; 60 through 66; 70, 72, 73 through 76; 80 through 90; 91, 100, 101, 110, 111, 130 through 135; 151, 155, 170, 172 through 175; 201 through 210; 500 through 503; 530 through 536; 540 through 544; 550 through 553; 560 through 564; 570, 571.** These new regulations establish maximum contaminant levels, action levels, performance standards, and residual disinfectant levels as well as the requirements for monitoring, reporting, record keeping, and treatment of public drinking water.

These new regulations are proposed to be adopted in a new article 15a, titled “Primary Drinking Water Regulations.” With a few minor exceptions, the proposed new regulations are

adopting (or re-incorporating) the current National Primary Drinking Water Regulations by reference. Therefore, the national rules and standards promulgated by the Environmental Protection Agency pursuant to the Federal Safe Drinking Water Act will become the standards and procedures by which the Kansas Department of Health and Environment concurrently administers its rules and regulations regarding public water supplies. The proposed new regulations are no more stringent than necessary to meet the requirements of federal law for the purposes of enforcing the Safe Drinking Water Act, with the exception of bacteriological monitoring requirements for smaller systems. Kansas requires a minimum of two samples per month, where EPA requires a minimum of one sample per month.

New Article 15a will also incorporate nine new drinking water rules adopted by EPA under the Safe Drinking Water Act. These rules have been promulgated under unique subject categories which, in some cases, revise old regulations and establish new regulations under many sections comprising the entirety of National Primary Drinking Water Regulations. The following rules are the subjects of regulation revisions required at this time:

**Consumer Confidence Reports Rule**

**Interim Enhanced Surface Water Treatment Rule**

**Stage 1 Disinfectants and Disinfection Byproducts Rule**

**Lead and Copper Rule Minor Revisions**

**Revisions to the Public Notification Rule**

**Radionuclides Rule**

**Arsenic Rule**

**Filter Backwash Recycling Rule**

**Long Term 1 Enhanced Surface Water Treatment Rule**

Because these new proposed Kansas Administrative Regulations are no more stringent than the federal regulations, these regulations will not create any additional economic impact, with the exception of bacteriological monitoring, other than already required by the federal regulations. The economic impact of these regulations consists of costs associated with treatment, monitoring, reporting, and other capital improvements to comply. Treatment costs will be incurred by the approximately 100 water supply systems operating surface water treatment plants, approximately 15 communities with arsenic levels above the new, lower standard, and approximately 5 communities with uranium levels above the new standard. KDHE estimates the 67 surface water systems serving a population of less than 4,100 persons will incur \$19,320 in added bacteriological monitoring costs annually or an annual average of \$288 per water system. KDHE estimates the 762 groundwater systems serving a population of less than 1,000 persons will incur \$91,440 in added bacteriological monitoring costs annually or an annual average of \$120 per water system. More detailed summaries of the impacts of the new regulations are available as described below.

The time between publication of this notice and the scheduled hearing constitutes a 60 day public comment period for the purpose of receiving written public comments on the proposed

## Public Hearing Notice

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regulatory action. Interested parties may submit written comments prior to the hearing to Linda White; 1000 SW Jackson, Suite 420; Topeka, KS 66612 or by calling (785) 296-5514. Interested parties will be given a reasonable opportunity to orally present their views of the proposed amendment during the hearing. To give all parties an opportunity to present their views, it may be necessary to require each participant to limit an oral presentation to five minutes.

Copies of the proposed amendments, revocations, new regulations, and the economic impact statements may be obtained by contacting Linda White or by accessing the website at [www.kdhe.state.ks.us](http://www.kdhe.state.ks.us) under “Hot Topics.”

Any individual with a disability by request accommodation in order to participate in the public hearing and may request copies of the proposed amendment and the economic impact statement in an accessible format. Requests for accommodation should be made at least five (5) business days in advance of the hearing by contacting Linda White.

Roderick L. Bremby, Secretary

Department of Health and Environment